

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

OCTOBER TERM, 1905.

No. 3 Special Calendar
January Term 1906

No. 1605.

No. 20, SPECIAL CALENDAR.

WILLIAM A. WHITE, SUPERINTENDENT OF THE GOVERNMENT HOSPITAL FOR THE INSANE, APPELLANT,

vs.

JAMES L. SHAFFER.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

INDEX.

	Original.	Print.
Caption	a	1
Petition for writ of <i>habeas corpus</i>	1	1
Writ of <i>habeas corpus</i>	5	3
Return of respondent, William A. White, superintendent of the Government Hospital for the Insane.....	6	4
Writ of <i>habeas corpus</i>	7	5
Motion for discharge.....	9	6
Petitioner discharged ; appeal	10	7
Directions to clerk for preparation of transcript on appeal.....	11	7
Clerk's certificate	12	8

In the Court of Appeals of the District of Columbia.

WILLIAM A. WHITE, Superintendent of the Government
Hospital for the Insane, Appellant, } No. 1605.
vs. }
JAMES L. SHAFFER.

a Supreme Court of the District of Columbia.

In the Matter of JAMES L. SHAFFER, Alleged Lunatic. No. 395.
Habeas Corpus.

UNITED STATES OF AMERICA, { ss :
District of Columbia,

Be it remembered, that in the supreme court of the District of Columbia, at the city of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had, in the above-entitled cause, to wit:—

1 *Petition for Writ of Habeas Corpus.*

Filed July 28, 1905.

In the Supreme Court of the District of Columbia.

In the Matter of JAMES L. SHAFFER, Alleged Lunatic. No. 395.
Habeas Corpus.

The petition of James L. Shaffer respectfully represents:

First. That he is a citizen of the United States, and his legal residence is in the State of Pennsylvania; that for the past six months he has been confined in the Government Hospital for the Insane in the District of Columbia. That he is now sixty years of age, and has this day been examined by two physicians and pronounced sane.

Second. That in 1901 he was an inmate of the National Soldiers' Home for Disabled Volunteers at Dayton, Ohio; that without just cause or occasion he was sent by the governor, or other official of said national home to the Government Hospital for the Insane at

Washington, D. C.; that he was there kept in custody and restraint between four and five months, when he was released and returned to the said soldiers' home at Dayton, Ohio, by the then superintendent Dr. Richardson. That petitioner remained in said home at Dayton, Ohio, for a little over three years, when he was again sent by the authorities of said Dayton home to the said Government Hospital for the Insane at Washington, D. C., where he has been kept
2 in custody, confinement and restraint of his lawful liberty since the nineteenth day of January, 1905, and is now so restrained.

Third. He is informed and believes that the superintendent of the said Government Hospital for the Insane in the District of Columbia, Dr. William A. White, accepted and admitted him to said institution, and unlawfully keeps him in custody therein, in pursuance of the pretended authority of a letter or written request from the authorities of said National Home for Disabled Volunteer Soldiers at Dayton, Ohio, and without any other, or legal and proper commitment whatsoever.

Fourth. Petitioner further says that he is now, and always has been sane, and mentally capable of taking care of himself, but, notwithstanding the fact, and the request of the petitioner to be discharged from the said Government Hospital for the Insane, and from said illegal custody and restraint, the said William A. White, superintendent of the said Gov't Hospital for the Insane, refuses to discharge the petitioner from such custody and unlawful detention and restraint of his liberty.

Fifth. The petitioner further states, that he has never been adjudged insane by due process of law; and his commitment, detention, confinement and restraint from his lawful liberty in said hospital for the insane, and by said William A. White as said superintendent, under and by virtue of the color and pretence of the authority of said letter and written request of said officials of said Dayton home, aforesaid, is unlawful and in violation of his, petitioner's constitutional rights, and being without remedy, save in
3 this honorable court this petition for a writ of *habeas corpus* is filed to the end:

First. That the writ of *habeas corpus* may issue in due form directed to the said William A. White, superintendent of the Government Hospital for the Insane District of Columbia, commanding him to produce in court, on a day and at an hour specified, the body of the petitioner, James L. Shaffer, that the cause of said commitment, detainer, confinement and restraint be inquired into.

Second. That if the court, or the justice hearing this application, be satisfied that the facts set forth in this petition are true, and that the petitioner is detained and deprived of his liberty without legal warrant or authority, that he be immediately released and discharged from such detention and restraint, and custody of said superintendent, William A. White.

Third. That your petitioner may have such further and other relief, in the premises as the nature of the case may require.

JAMES L. SHAFFER.

RICHARD P. EVANS AND
EDWIN FORREST,
Att'ys for Petitioner.

The petitioner, James L. Shaffer, being first duly sworn according to law, deposes and says: That he has read over the foregoing petition by him subscribed and knows the contents thereof; that the facts therein stated of his own knowledge are true and the facts therein stated on information and belief he believes to be true; and he further on oath states, that he is an ex soldier of the volunteer army of the United States having been a member of Co. "G"

105th Pa. Vols.; that he is a pensioner of the United States
4 at the rate of \$10. per month; that he is advised his said pension has been drawn and used by the said Superintendent William A. White since petitioner's commitment in said hospital; that petitioner is without money or means to make the deposit for costs required by law; that he therefore makes application to bring this suit and file this petition, and have process thereupon, without deposit for costs, pursuant to provisions of section 176 of the Code of the District of Columbia.

JAMES L. SHAFFER.

Subscribed and sworn to before me this twenty-seventh day of July, A. D. 1905.

[SEAL.]

M. A. SCHEELE,
Notary Public, D. C.

Endorsed.

Let this be filed and process issue without making deposit for costs, writ returnable Aug. 1st. 1905, at 10 o'clock a. m.

WRIGHT, *Justice.*

July 28, 1905.

5

Writ of Habeas Corpus.

Issued July 28, 1905.

In the Supreme Court of the District of Columbia.

In the Matter of the Petition for Writ of *Habeas Corpus* for JAMES L. SHAFFER. No. 395.

The President of the United States to William A. White, superintendent Government Hospital for Insane, Greeting:

You are hereby commanded to have the body of James L. Shaffer detained under your custody, as it is said, together with the day and cause of his being taken and detained, by whatever name

he may be called in the same, before the Honorable Job Barnard one of the justices of the supreme court of the District of Columbia, at the United States court-house, city of Washington, on the 1st day of August 1905, at 10 o'clock a. m., after the receipt of this writ, to do and receive whatever shall then and there be considered of in his behalf, and have then and there this writ.

Witness, the Honorable Harry M. Clabaugh, chief justice of said court, the 28th. day of July, A. D. 1905.

[SEAL.]

JOHN R. YOUNG, *Clerk*,
By HARVEY GIVEN,
Assistant Clerk.

Marshal's Return.

Served copy of within writ on M. J. Stack, ass't supt. Government Hospital for the Insane, July 31, 1905.

AULICK PALMER, *Marshal*.
B.

Return of Respondent.

Filed August 1, 1905.

In the Supreme Court of the District of Columbia.

In re JAMES L. SHAFFER. *Habeas Corpus*. No. 395.

The return of William A. White, superintendent of the Government Hospital for the Insane, to the petition for the writ of *habeas corpus* filed in the above-entitled cause, shows as follows:

I. That the said respondent as superintendent of the Government Hospital for the Insane in the District of Columbia, detains the above-named James L. Shaffer in compliance with and by authority of a commitment signed and filed with the respondent by M. T. McMahon, president of board of managers of the National Home for Disabled Volunteer Soldiers, dated December 31st, 1904, copy of which, so far as the same relates to said Shaffer, is attached hereto.

II. That the said James L. Shaffer at the time of his commitment to the custody of the respondent as aforesaid, was of insane mind and a proper subject for treatment and detention at the said hospital for the insane; that he, the said Shaffer, has since the date of that commitment been, and still is, of unsound mind, unfit to be at liberty without supervision and control. The said Shaffer has delusions of persecution, which delusions are specifically directed against certain individuals whom he believes to be his enemies; that he constantly dwells upon these persecutions and in conversation about them becomes very much excited and abusive in language. Although the said Shaffer has not to the knowl-

edge of the superintendent done any dangerous act in the past he nevertheless belongs to the class of patients who are recognized as potentially dangerous and it is the superintendent's opinion that he might become so under conditions less favorable than those that surround him at the present time.

WM. A. WHITE.

DISTRICT OF COLUMBIA, ss :

—, William A. White, upon oath says, that I have read the foregoing return to the writ of *habeas corpus* by me subscribed and know the contents thereof, and the facts therein stated are to the best of my knowledge true.

WM. A. WHITE.

Subscribed and sworn to before me this 1st day of August, 1905.

FRANK M. FINOTTI,
Notary Public, D. C.

[SEAL.]

Filed August 1, 1905.

In the Supreme Court of the District of Columbia.

In the Matter of the Petition for Writ of *Habeas Corpus* for JAMES L. SHAFFER. No. 395.

The President of the United States to William A. White, superintendent Government Hospital for Insane, Greeting :

8 You are hereby commanded to have the body of James L. Shaffer detained under your custody, as it is said, together with the day and cause of his being taken and detained, by whatever name he may be called in the same, before the Honorable Job Barnard one of the justices of the supreme court of the District of Columbia, at the United States court-house, city of Washington, on the 1st day of August 1905, at 10 o'clock a. m., after the receipt of this writ, to do and receive whatever shall then and there be considered of in his behalf, and have then and there this writ.

Witness, the Honorable Harry M. Clabaugh, chief justice of said court, the 28th. day of July, A. D. 1905.

[SEAL.]

JOHN R. YOUNG, *Clerk*,
By HARVEY GIVEN,
Assistant Clerk.

National Home for Disabled Volunteer Soldiers. H
11764.

Rooms 932-934, New York Life Building, 346 Broadway, New
York, N. Y.

Central Branch.

DECEMBER 31, 1904.

Superintendent Government Hospital for the Insane, Washington,
D. C.

SIR: Under the authority conferred upon me by the act of Con-
gress approved August 7th, 1882, I have to request that—

James L. Shaffer, late G Co., 105th Pa. Inf., pensioner at \$10.00
per month,.....

.....

.....

.....

9 nine insane men, members of the Central branch, National
Home for Disable- Volunteer Soldiers, may be admitted to
the Government Hospital for the Insane, at Washington, D. C.

Very respectfully,
(Signed) M. T. McMAHON,
President Board of Managers, National Home for D. V. S.

Official copy.

July 31st, 1905

WM. A. WHITE,
Superintendent.

Motion for Discharge.

Filed August 1, 1905.

In the Supreme Court of the District of Columbia, this First Day of
August, 1905.

In re JAMES L. SHAFFER, Alleged Insane. *Habeas Corpus.* No. 395.

Now comes the petitioner, by his attorneys, and moves the court
that he be discharged from the custody of the respondent upon the
return and answer filed herein.

RICHARD P. EVANS AND
EDWIN FORREST,
Attorneys for Petitioner.

10

Order Discharging Petitioner, &c.

Filed August 1, 1905.

In the Supreme Court of the District of Columbia.

In re JAMES L. SHAFFER. *Habeas Corpus.* No. 395.

This matter coming on to be heard on the petition, the return thereto of the respondent, William A. White, and the petitioner's motion for discharge, and thereupon the respondent moved the motion for discharge be stricken out and the petitioner be required to elect whether to traverse said return or demur thereto, which motion was by the court overruled, and the respondent noted an exception. Whereupon, upon consideration of the motion for discharge, the court this 1st day of August, 1905, ordered that the petitioner be discharged from the custody of the respondent, William A. White.

JOB BARNARD, *Justice.*

From this order the respondent, William A. White, superintendent of the Government Hospital for the Insane on behalf of the United States, by direction and the authority of the Attorney General, appeals to the Court of Appeals of the District of Columbia, said appeal being taken in open court.

JOB BARNARD, *Justice.*

11

Order for Citation and Record.

Filed August 2, 1905.

In the Supreme Court of the District of Columbia, the 2nd Day of August, 1905.

JAMES L. SHAFFER, Petitioner,	}	<i>Habeas Corpus.</i> No. 395.
vs.		
WILLIAM A. WHITE, Respondent.		

The clerk of said court will note that the appeal herein taken on August 1, 1905, by the respondent is taken on behalf of the United States by direction of the Attorney General. The clerk will prepare a transcript of the record for use in the Court of Appeals, including in such transcript all the papers filed in the cause.

MORGAN H. BEACH,
Attorney for the United States.

12 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, } ss:
District of Columbia,

I, John R. Young, clerk of the supreme court of the District of Columbia, hereby certify the foregoing pages, numbered from 1 to 11, inclusive, to be a true and correct transcript of the record, as per directions of counsel herein filed, copy of which is made part of this transcript, in cause No. 395 *habeas corpus*, in the matter of James L. Shaffer, alleged lunatic, as the same remains upon the files and of record in said court.

In testimony whereof, I hereunto subscribe
Seal Supreme Court my name and affix the seal of said court, at
of the District of the city of Washington, in said District, this
Columbia. 11" day of September, A. D. 1905.

JOHN R. YOUNG, *Clerk*.

Endorsed on cover: District of Columbia supreme court. No. 1605. William A. White, superintendent of the Government Hospital for the Insane, appellant, vs. James L. Shaffer Court of Appeals, District of Columbia. Filed Sep. 11, 1905. Henry W. Hodges, clerk.

